

## CLASSIFICATION OFFICE DECISION

**Title of publication:** omijhq

**Other known title(s):** Not stated

**OFLC ref:** 1900573.029

**Medium:** Image File

**Publisher:** Not stated

**Country of origin:** Not stated

**Language:** Not applicable

**Applicant:** Commissioner of Police

<b>Classification:</b>	Objectionable.
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**Descriptive note:** None

**Display conditions:** None

**Date of entry in Register:** 28 July 2020

**Date of direction to issue a label:** No direction to issue a label has been issued

**Date of notice of decision:** 27 July 2020

### Summary of reasons for decision:

The image file depicts two naked young boys engaged in a sexual act. The only reasonable reading is that it has been produced to titillate and arouse those with a prurient interest in children. Material such as this presents children as sexually active and aware, thereby normalizing and legitimising young boys as appropriate subjects for adult sexual fantasy and desire. It therefore promotes and supports the exploitation of children for sexual purposes and is deemed to be objectionable under s 3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). The objectionable classification of this publication interferes with the right to freedom of expression under the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s 3(2) of the FVPC Act are deemed to be objectionable. This reflects the concern of a free and democratic society to protect its young and vulnerable members from exploitation. The only reasonable reading of the image is that it has been produced to sexually arouse those with a prurient interest in children. It promotes and supports the exploitation of children or young persons for sexual purposes and is deemed to be objectionable under s 3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). The objectionable classification of this publication interferes with the right to freedom of expression under the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s 3(2) of the FVPC Act are deemed to be objectionable. This reflects the concern of a free and democratic society to protect its young and vulnerable members from exploitation.